



# Compensation & Good Will Payments

## 1. Background

This policy sets out the approach of Abbeyfield The Dales (ATD) to dealing with compensation and goodwill payments.

ATD aims to provide high quality housing and care service. However, it acknowledges that:

- Occasionally ATD may fail to meet the high standards which it strives to achieve or ATD may need to take a course of action that impacts adversely on residents; and
- there may be financial or other consequences for residents arising from that decision or in failing to achieve those standards.

Examples include:

- failure to carry out repairs in the target time;
- loss of services normally present (where such loss is within our control);
- failure to restore services in a reasonable time (where restoration is within our control);
- excessive time spent pursuing a resolution to a complaint; and/or
- closure of a house or home due to non-viability.

Where the evidence indicates that a resident has suffered financial or other loss due to the failure of ATD to meet its legal obligations, a compensation payment may be made.

In situations where ATD has met its legal obligations but through the fault or decision of ATD the resident has suffered loss, a goodwill payment may be made.

All payments made under this policy will be in full and final settlement of the issue, and without prejudice.

## 2. Objectives

ATD is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Mission and Values of ATD. ATD will also comply with all relevant and current legislation.

The aim of this policy is to:

- to set out the circumstances in which compensation and goodwill payments may be made
- to increase resident satisfaction by reasonably compensating for losses suffered where the circumstances merit it to focus resources on preventing an occurrence of the event leading to compensation.

## 3. Scope

All established staff, agency staff and volunteers working in care homes, housing; or day care; staff based at the Grove House office.

## 4. Policy

ATD does not have fixed compensation or goodwill payment amounts. Accordingly, each case will be considered on its merits.

On identification of a case which may give rise to a compensation or goodwill payment, the Chief Executive Officer will agree an appropriate level of payment having regard to all the circumstances.

Right to repair compensation will be paid in accordance with HCA guidance.

Goodwill payments may be issued to tenants and licensees on the closure of a house or home on grounds of non-viability. The amount of such payment is subject to review by the Board and will follow HCA guidance / good practice as appropriate.

ATD will pay compensation where ordered by the Independent Housing Ombudsman (Note: following the consideration of a complaint). ATD will consider paying compensation where recommended to do so by the Local Government Ombudsman.

No payment for material damage will be made if the loss is covered by contents insurance provided by ATD.

No payment will be made where the fault is caused by a third party or is something ATD has no control over or where the incident was caused by the negligence of the resident or the failure to comply with the terms of their tenancy or licence agreement.

A compensation or goodwill payment will be offset against outstanding rent arrears or other debt the resident may have, and the resident will be informed of this before the payment is made

## **5. Finance, Value for Money & Social Value**

Wherever a claim for compensation or goodwill payments is approved, ATD will aim to expedite the payment or other action as soon as is possible. This will ensure the claimant feels satisfied with their treatment by the organisation.

It is important that the organisation is seen as a good landlord and payments should be made in a manner which reflects this. Payments should be prompt and in full. This saves additional administrative and financial costs and is good practice.

## **6. Supported Appendices**

N/A

## **7. Linked Policies**

Comments, Compliments & Complaints (LG006P)

Delegation of Authority (LG014P) - The DOA policy sets the approval limits.

Note: policy is relevant where compensation or a goodwill payment is deemed to be an appropriate means of resolving a complaint.

## **8. Legislation/Regulation**

N/A

## **9. Review**

Every 3 years, subject to any regulatory or legislative updates.

## **10. Procedure/Guidance**

N/A